



LEGISLATURE

MINUTES

SENATE BUSINESS AND LABOR STANDING COMMITTEE

Monday, March 11, 2019 | 2:00 p.m. | 215 Senate Building

Members Present:

Sen. Curtis S. Bramble, Chair
Sen. Jacob L. Anderegg
Sen. Kirk A. Cullimore
Sen. Gene Davis
Sen. Daniel Hemmert
Sen. Karen Mayne

Sen. Daniel McCay

Members Absent:

Sen. Don L. Ipson

Staff Present:

Mr. Adam J. Sweet, Policy Analyst
Ms. Karen C. Allred, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Chair Bramble called the meeting to order at 2:18 p.m.

MOTION: Sen. Mayne moved to approve the minutes of the March 8, 2019, meeting. The motion passed with a vote of 4 - 0 - 4.

Yeas-4

Sen. J. Anderegg
Sen. C. Bramble
Sen. G. Davis
Sen. K. Mayne

Nays-0

Absent-4

Sen. K. Cullimore
Sen. D. Hemmert
Sen. D. Ipson
Sen. D. McCay

1 . S.B. 269 Military Development Authority (*Stevenson, J.*)

Sen. Jerry W. Stevenson presented the bill with the assistance of Mr. Paul Morris, Acting Executive Director, Military Installation Development Authority.

MOTION: Sen. Cullimore moved to pass S.B. 269 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas-6

Sen. C. Bramble
Sen. K. Cullimore
Sen. G. Davis
Sen. D. Hemmert
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-2

Sen. J. Anderegg
Sen. D. Ipson

2 . 2nd Sub. H.B. 395 State Construction Registry Amendments (*Roberts, M.*)

Rep. Marc K. Roberts presented the bill.

MOTION: Sen. Mayne moved to pass 2nd Substitute H.B. 395 out favorably. The motion passed with a vote of 7 - 0 - 1.

Yeas-7

Sen. J. Anderegg
Sen. C. Bramble
Sen. K. Cullimore
Sen. G. Davis
Sen. D. Hemmert
Sen. K. Mayne
Sen. D. McCay

Nays-0Absent-1

Sen. D. Ipson

3 . 2nd Sub. H.B. 378 Regulatory Sandbox (Roberts, M.)

Rep. Roberts presented the bill.

MOTION: Sen. McCay moved to pass 2nd Substitute H.B. 378 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas-6

Sen. J. Anderegg
Sen. C. Bramble
Sen. K. Cullimore
Sen. D. Hemmert
Sen. K. Mayne
Sen. D. McCay

Nays-0Absent-2

Sen. G. Davis
Sen. D. Ipson

4 . 2nd Sub. H.B. 288 Critical Infrastructure Materials (Wilde, L.)

Rep. Logan Wilde presented the bill.

MOTION: Sen. McCay moved to amend 2nd Substitute H.B. 288 with Amendment #1.
Amendment 1
2nd Sub. H.B. 288

1. Page 4, Line 99 through Page 5, Line 119:

99 ~~10-9a-903. Rights of a critical infrastructure materials operator with a vested~~
100 ~~critical infrastructure materials operations {— Expanding vested critical infrastructure~~
101 ~~materials operations.}~~
102 ~~{(1)} Notwithstanding a political subdivision's prohibition, restriction, or other limitation~~
103 ~~on a critical infrastructure materials operations adopted after the establishment of the critical~~
104 ~~infrastructure materials operations, the rights of a critical infrastructure materials operator with~~
105 ~~vested critical infrastructure materials operations include the right to:~~
106 ~~{(a)} (1) use, operate, construct, reconstruct, restore, maintain, repair, alter, substitute,~~
107 ~~modernize, upgrade, and replace equipment, processes, facilities, and buildings on any surface~~
108 ~~or subsurface land that the critical infrastructure materials operator owns or controls; and~~
109 ~~{(b)} (2) discontinue, suspend, terminate, deactivate, or continue and reactivate, temporarily~~
110 ~~or permanently, all or any part of the critical infrastructure materials operations.~~
111 ~~{(2) A vested critical infrastructure materials operator may expand a vested critical~~
112 ~~infrastructure materials operation only if:~~
113 ~~— (a) the land to which the vested critical infrastructure materials operator expands is~~
114 ~~contiguous with land that the vested critical infrastructure materials operator owns or controls;~~
115 ~~— (b) the vested critical infrastructure materials operator owns or leases the land to which~~
116 ~~the vested critical infrastructure materials operator expands as of February 1, 2019;~~
117 ~~— (c) the land is zoned for vested critical infrastructure materials operations; and~~
118 ~~— (d) the expansion is in accordance with a legal nonconforming use or a permit issued~~
-119 ~~by the municipality.}~~

2. Page 7, Line: s 181 through 201

181 ~~17-27a-1003. Rights of a critical infrastructure materials operator with a vested~~
182 ~~critical infrastructure materials operations {— Expanding vested critical infrastructure~~
183 ~~materials operations.}~~

184 ~~{(1)}~~ Notwithstanding a political subdivision's prohibition, restriction, or other limitation
 185 on a critical infrastructure materials operations adopted after the establishment of the critical
 186 infrastructure materials operations, the rights of a critical infrastructure materials operator with
 187 vested critical infrastructure materials operations include the right to:
 188 ~~{(a)}~~ (1) use, operate, construct, reconstruct, restore, maintain, repair, alter, substitute,
 189 modernize, upgrade, and replace equipment, processes, facilities, and buildings on any surface
 190 or subsurface land that the critical infrastructure materials operator owns or controls; and
 191 ~~{(b)}~~ (2) discontinue, suspend, terminate, deactivate, or continue and reactivate, temporarily
 192 or permanently, all or any part of the critical infrastructure materials operations.
 193 ~~{(2)}~~ A vested critical infrastructure materials operator may expand a vested critical
 194 infrastructure materials operator only if:
 195 — (a) the land to which the vested critical infrastructure materials operator expands is
 196 contiguous with land that the vested critical infrastructure materials operator owns or controls;
 197 — (b) the vested critical infrastructure materials operator owns or leases the land to which
 198 the vested critical infrastructure materials operator expands as of February 1, 2019;
 199 — (c) the land is zoned for vested critical infrastructure materials operations; and
 200 — (d) the expansion is in accordance with a legal nonconforming use or a permit issued
 201 by the county. — }

Ms. Tasha Lowery, Mayor Pro Tem, Draper City, spoke in opposition to the bill.

Sen. McCay's motion to amend 2nd Substitute H.B. 288 with Amendment #1 passed with a vote of 7 - 0 - 1.

Yeas-7

Nays-0

Absent-1

Sen. J. Anderegg
 Sen. C. Bramble
 Sen. K. Cullimore
 Sen. G. Davis
 Sen. D. Hemmert
 Sen. K. Mayne
 Sen. D. McCay

Sen. D. Ipson

MOTION: Sen. McCay moved to amend 2nd Substitute H.B. 288 with Amendment #2. The motion passed with a vote of 7 - 0 - 1.

Amendment 2
 2nd Sub. H.B. 288

1. Page 14, Line 416:

416 protection area is ~~{an administrative}~~ a legislative act.

Yeas-7

Nays-0

Absent-1

Sen. J. Anderegg
 Sen. C. Bramble
 Sen. K. Cullimore
 Sen. G. Davis
 Sen. D. Hemmert
 Sen. K. Mayne
 Sen. D. McCay

Sen. D. Ipson

Mr. Gary Crane, Utah League of Cities and Towns, spoke to the bill.

MOTION: Sen. McCay moved to amend 2nd Substitute H.B. 288 with Amendment #3. The motion passed with a vote of 7 - 0 - 1.

Amendment 3
 2nd Sub. H.B. 288

1. Page 3, Line 87:



87 operations permitted by the municipality, existed or was conducted or otherwise engaged in before a political subdivision

2. Page 6, Line 168:

168 critical infrastructure materials operations if the critical infrastructure materials operations permitted by the municipality.

Yeas-7

Sen. J. Anderegg
Sen. C. Bramble
Sen. K. Cullimore
Sen. G. Davis
Sen. D. Hemmert
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-1

Sen. D. Ipson

Mr. Gary Crane, Utah League of Cities and Towns, also representing Layton and Morgan, spoke in favor of the bill.

Mr. George Chapman, spoke in opposition to the bill.

Mr. Robert McFarlore spoke in opposition to the bill.

Mr. Zane Lamar Santacroce, 12 years old, spoke in opposition to the bill.

Ms. Michele Weeks, Council Member, Draper City, representing herself, spoke in opposition to the bill.

Ms. Teri McCabe, West Mountain Matters Group, spoke in opposition to the bill.

Mr. Tony Nelson, Point of the Mountain Politics Facebook Page, spoke in opposition to the bill.

Ms. Cherise Udell, Utah Moms for Clean Air, and Lehi Moms and Allies for Clean Air, spoke in opposition to the bill.

Mr. Daniel Stevenson, Chief Legal Office, DOMO Inc., and Member of Utah Technology Council, spoke in opposition to the bill.

Mr. Adrian Dubwad spoke in opposition to the bill.

Mr. Mark Rich, spoke in opposition to the bill.

Mr. Johnny Vasic, Executive Director, Utah Physicians for a Healthy Environment, spoke in opposition to the bill.

Mr. Rich Thorn, President/CEO, Associated General Contractors Commercial Construction Trade Association, spoke in favor of the bill.

Mr. Taz Biesinger, Utah Home Builders Association, spoke in favor of the bill.

MOTION: Sen. McCay moved to reconsider the committee's actions on Amendment #3 for 2nd Substitute H.B. 288. The motion passed with a vote of 7 - 0 - 1.

Yeas-7

Sen. J. Anderegg
Sen. C. Bramble
Sen. K. Cullimore
Sen. G. Davis
Sen. D. Hemmert
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-1

Sen. D. Ipson

MOTION: Sen. McCay moved to amend out Amendment #3 from 2nd Substitute H.B. 288 and amend 2nd Substitute H.B. 288 with Amendment #4. The motion passed with a vote of 7 - 0 - 1.
Amendment 4
2nd Sub. H.B. 288

1. Page 3, Line 87:

87 operations permitted by the municipality, existed or was conducted or otherwise engaged in before a political subdivision

2. Page 6, Line 168:

168 critical infrastructure materials operations if the critical infrastructure materials operations permitted by the county.

Yeas-7

Sen. J. Anderegg
Sen. C. Bramble
Sen. K. Cullimore
Sen. G. Davis
Sen. D. Hemmert
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-1

Sen. D. Ipson

MOTION: Sen. McCay moved to pass 2nd Substitute H.B. 288 out favorably. The motion passed with a vote of 5 - 2 - 1.

Yeas-5

Sen. J. Anderegg
Sen. C. Bramble
Sen. K. Cullimore
Sen. K. Mayne
Sen. D. McCay

Nays-2

Sen. G. Davis
Sen. D. Hemmert

Absent-1

Sen. D. Ipson

MOTION: Sen. Davis moved to interim study The motion passed with a vote of 7 - 0 - 1.

Yeas-7

Sen. J. Anderegg
Sen. C. Bramble
Sen. K. Cullimore
Sen. G. Davis
Sen. D. Hemmert
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-1

Sen. D. Ipson

MOTION: Sen. Hemmert moved to adjourn. The motion passed with a vote of 7 - 0 - 1.



Yeas-7

Sen. J. Anderegg
Sen. C. Bramble
Sen. K. Cullimore
Sen. G. Davis
Sen. D. Hemmert
Sen. K. Mayne
Sen. D. McCay

Nays-0

Absent-1

Sen. D. Ipson

Chair Bramble adjourned the meeting at 4:02 p.m.